Remarks

Claims 1, 3-8, 10-15, 17-21 and 23-32 currently stand rejected and remain pending. No claims are amended herein. The Assignee respectfully traverses the rejections and requests allowance of claims 1, 3-8, 10-15, 17-21 and 23-32.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 3, 5 and 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,325,419 to Connolly et al. (hereinafter "Connolly") in view of U.S. Patent Application No. 2002/0006811 to Diebolt et al. (hereinafter "Diebolt"). (Page 2 of the Office action.) Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 5,499,290 to Koster (hereinafter "Koster"). (Page 5 of the Office action.) Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 5,511,111 to Serbetcioglu et al. (hereinafter "Serbetcioglu"). (Page 5 of the Office action.) Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,590,965 to Poole et al. (hereinafter "Poole"). (Page 6 of the Office action.) Also, claims 8, 10, 12, 15, 17, 19 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,563,788 to Torba et al. (hereinafter "Torba"). (Page 7 of the Office action.) Claims 11 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt and Torba in view of Koster. (Page 12 of the Office action.) Claims 13 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt and Torba in view of Serbetcioglu. (Page 12 of the Office action.) Claims 14 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt and Torba in view of Poole. (Page 13 of the Office action.) Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of Poole in view of U.S. Patent No. 6,643,506 to Criss et al. (Page 14 of the Office action.) Finally, claims 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,061,570 to Janow. (Page 17 of the Office action.) The Assignee respectfully traverses the rejections in view of the following discussion.

Claims 1, 8 and 15

Claims 1, 8 and 15 are directed to, respectively, a method of operating a service control point, a software product for operating a service control point, and a communication system comprising a service control point. In part, claim 1 provides for "receiving a response message into the service control point from the first device wherein the response message indicates a second device to receive the incoming call," and "processing the response message to generate a routing instruction that connects the incoming call to the second device." Claims 8 and 15 provide similar limitations.

With respect to claims 1, 8 and 15, the Office action indicates that "Connolly fails to clearly disclose wherein the said first device re-routes the incoming message to the second device." (Page 3 of the Office action.) In response, the Assignee wishes to clarify the content of claims 1, 8 and 15. While the incoming call is routed to the second device instead of the first device, the first device does not perform this routing. Instead, this task is initiated in claims 1, 8 and 15 by way of the service control point transmitting a routing instruction, such as to a switch that performs the actual routing. This routing instruction is generated by processing a response message from the first device. As a result, the provision of the first device rerouting an incoming message to the second device, as described in the Office action, is not positively recited in the claims. Instead, the first device receives an alert message indicating the incoming call and caller information, and returns a response message to the service control point indicating a second device to receive the incoming call.

The Office action further asserts that "Diebolt et al. teaches in paragraph[s] [0017 – 0019] wherein the calling party is able to send a process command, which reads on claimed 'alert message,' that re-directs the incoming call to either a fax machine or printer, which reads on claimed 'second device.'" (Page 3 of the Office action.) The Assignee respectfully disagrees with this assertion in several ways. First, Diebolt indicates that a user with a wireless telecommunications device, and not necessarily a "calling party," generates the process command. (Paragraph [0017].) Also, the alert message of claims 1, 8 and 15 is generated from a call set-up message and transmitted by the *service control point*, not a calling party. Further, the alert message indicates the incoming call and caller information to the first device, and does not redirect an incoming call. Thus, the Assignee contends that Diebolt does not teach or suggest the alert message of claims 1, 8 and 15, and such indication is respectfully requested.

The Assignee respectfully notes that some of the provisions of claim 1, such as the reception and processing of the response message from the first device, are not specifically addressed in the Office action. This omission may have resulted from an apparent accidental deletion of material at the end of the second paragraph of page 3 of the Office action.

Thus, based on the foregoing, the Assignee asserts that no combination of Connelly and Diebolt teaches or suggests the subject matter of claims 1, 8 and 15, and such indication is respectfully requested.

Claims 24, 27 and 30

Claims 24, 27 and 30 are directed to, respectively, a method of operating a first wireless device, a software product for a wireless communication device, and a wireless communication device. In part, claim 24 provides for "determining the incoming call should be sent to a second device; generating a response message indicating the second device is to receive the incoming call; and transmitting the response message from the first device to the service control point." Claims 27 and 30 incorporate similar provisions.

With respect to claims 24, 27 and 30, the Office action indicates that "Connolly et al. fails to clearly disclose wherein the process of sending an alert message to a said second device." (Page 3 of the Office action.) In response, the Assignee respectfully notes that the first device of claims 24, 27 and 40 does *not* send an alert message to the second device, but instead receives and processes the alert message, determines the incoming call should be sent to a second device instead, and generates and transmits a response message indicating the second device to the service control point.

Also, the Office action apparently attempts to equate the Diebolt process command with the response message transmitted by the first device to the service control point. (Page 4 of the Office action.) Again, the Assignee respectfully disagrees. Generally, the Diebolt process command is transferred from a wireless telecommunications device by way of a private branch exchange (PBX) *to a nearby terminal*, such as a printer, fax machine, or computer-driven monitor of a data network. (Paragraph [0017].) In the examples discussed in Diebolt, the process command may be "a print or a view command of *some message* (email, fax) respectively on a printer or a monitor connected to the data network 5." (Paragraph [0017]; emphasis supplied.)

Thus, the Diebolt process command is distinguished from the response message of claims 24, 27 and 30 in several ways. First, Diebolt does not indicate that these messages are in response to *an incoming call* directed to the wireless communication device, as provided for in claims 24, 27 and 30. Instead, these messages (such as e-mail or fax) are apparently *already stored* on the data network, to be accessed by the wireless communication device at a later time. In other words, these e-mail or fax messages have already been received, and the process command allows the user access to access them after the fact. For example, a process command may be directed to a printer, which executes the command to provide "a print of the *selected data*." (Paragraph [0019]; emphasis supplied.) Thus, Diebolt does not teach or suggest the generation and transmission of a response message indicating a second device *to receive the incoming call*, as provided for in claims 24, 27 and 30.

Further, the Diebolt process command is directed through a PBX *to a terminal device*, such as a printer or monitor, which executes the process command. (Paragraph [0017].) Thus, Diebolt does not teach or suggest transmitting the response message to a service control point, as shown in claims 24, 27 and 30.

In another example, Diebolt discusses the ability of a wireless communications device to generate a process command for the *automatic transfer* of a call to a nearby fixed telephone. (Paragraph [0021].) Diebolt indicates that such a command would be advantageous if the battery of the wireless device has become depleted. (Id.) This particular process command is also distinguished from the response message of claims 24, 27 and 30 in a couple of ways. In this case, the process command is transferred to a computer coupling the PBX and fixed telephone network (paragraph [0021]), not to a service control point.

Further, the process command apparently does not include an indication of the second device to receive an incoming call, as the call is transferred *automatically* to a fixed telephone within the same cell in which the wireless communications device is located. (Paragraph [0021].) In other words, the wireless device in Diebolt does not specify the fixed telephone to which the call is to be transferred, unlike claims 24, 27 and 30, in which the response message indicates the second device to receive the incoming call.

In addition, Diebolt discusses *transferring* a call from the wireless device to the fixed telephone, such as by way of a "hand over." (Paragraph [0021].) In other words, the call has already been completed to the wireless device, and is then transferred to the fixed telephone.

Thus, Diebolt does not teach or suggest generating a response message indicating the second device is to *receive the incoming call*, as provided for in claims 24, 27 and 30.

Thus, based on the foregoing, the Assignee asserts that no combination of Connelly and Diebolt teaches or suggests the subject matter of claims 24, 27 and 30, and such indication is respectfully requested.

Claims 3-7, 10-14, 17-21, 23, 25, 26, 28, 29, 31 and 32

Claims 3-7 depend from independent claim 1, claims 10-14 depend from independent claim 8, claims 17-21 and 23 depend from independent claim 15, claims 25 and 26 depend from independent claim 24, claims 28 and 29 depend from independent claim 27, and claims 31 and 32 depend from independent claim 30. Thus, each of these claims incorporates the subject matter of its associated independent claim, and thus is allowable for at least the reasons provided above in support of claims 1, 8, 15, 24, 27 and 30, and such indication is respectfully requested.

Thus, in light of the foregoing, the Assignee respectfully requests that the 35 U.S.C. § 103 rejections of claims 1, 3-8, 10-15, 17-21 and 23-32 be withdrawn.

Conclusion

Based on the above remarks, the Assignee submits that claims 1, 3-8, 10-15, 17-21 and 23-32.are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Assignee thus respectfully requests allowance of claims 1, 3-8, 10-15, 17-21 and 23-32.

The Assignee believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

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